

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

Robert Jackson,

PLAINTIFF

v.

Palmetto Richland Hospital, et al.,

DEFENDANTS

Case No. 3:18-2088-TLW

**Order**

Plaintiff Robert Jackson, proceeding *pro se*, filed this civil action regarding surgeries he underwent. ECF No. 1. The matter now comes before the Court for review of the Report and Recommendation (Report) filed by the magistrate judge to whom this case was assigned. ECF No. 10.

In the Report, the magistrate judge recommends that this case be summarily dismissed for lack of subject matter jurisdiction. After the magistrate judge filed the Report, Plaintiff filed objections. ECF No. 13. This matter is now ripe for decision.

In reviewing the Report, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections . . . . The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

*Wallace v. Hous. Auth. of City of Columbia*, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of the standard set forth in *Wallace*, the Court has reviewed, *de novo*, the Report and the objections. As discussed by the magistrate judge, Plaintiff is asserting a state medical malpractice claim against hospitals and doctors regarding medical treatment he received, but because these defendants are not state actors, he cannot assert an Eighth Amendment claim against them. After careful review of the Report and the objections, for the reasons stated by the magistrate judge, the Report, ECF No. 10, is **ACCEPTED**. Plaintiff's objections, ECF No. 13, are **OVERRULED**. Plaintiff's Complaint, ECF No. 1, is **DISMISSED WITHOUT PREJUDICE**.

**IT IS SO ORDERED.**

*s/Terry L. Wooten*  
Terry L. Wooten  
Senior United States District Judge

April 22, 2020  
Columbia, South Carolina